

NEW HAMPSHIRE LAW LIBRARY

July 14, 1953

SEP 03 1998

CONCORD, N.H.

Honorable Hugh Gregg
Governor of New Hampshire
Concord, New Hampshire

Dear Governor Gregg:

You have referred to me the question of the appointment of the Chairman of the Police Commission of the City of Manchester, pursuant to the request of the Chief of Police of that City, under date of July 7, that you designate same.

This is to advise that in my opinion you are neither required nor authorized to designate a Chairman of the Police Commission of the City of Manchester, but that the selection of the Chairman of that Police Commission is up to the members of the Commission itself. By chapter 202 of the Laws of 1893, in section 1 thereof, providing for the appointment by you of the membership of the Police Commission of the City of Manchester, there was originally contained the provision that one member of the Board of Police Commissioners should be designated by you as Chairman. This section was in turn amended by chapter 148 of the Laws of 1913, which provided an entirely new generic for the police commissions of the City of Manchester, and several others. Nothing in the new act stated that the Governor should appoint the Chairman of the Police Commission of the City of Manchester, and in fact specific regulatory authority was given to the Police Commissioners by section 7 of chapter 148, which provided that they should have full power to make all rules for the government of the police force.

Chapter 148 of the Laws of 1913, which is still the law in 1953, provided in section 8 thereof that all acts or parts of acts inconsistent with chapter 148 were repealed. In my opinion the provision of the Laws of 1893 with respect to the appointment of a Chairman of the Police Commission of the City of Manchester by the Governor is inconsistent with section 2 of chapter 148, providing for appointment of the police commissioners of six New Hampshire cities and for their authority to regulate their own affairs. A contrary holding would be illogical

Honorable Hugh Gregg -- 2.

to say the least when it is considered that chapter 148 provides for police commissions in six cities, whereas chapter 202 of the Laws of 1893 dealt only with the police commissioners of the City of Manchester. While it is clear that chapter 148 did not have the effect of repealing chapter 202 of the Laws of 1893 entirely (Pollard v. Gregg, 77 N.H. 190), it did repeal inconsistent provisions of chapter 202 by express language.

Respectfully,

Louis C. Wyman
Attorney General

W/a

cc: Chief Francis P. McGranaghan
Manchester Police Department